COPYRIGHT
OFFICE

December 22, 1980

Point
Box 428
Sausalito, CA 94966

Attn: Ms. Andrea Sharp
Re: PREVIEW: The Next Whole Earth Cataog

Dear Ms. Sharp:

LIBRARY
OF
CONGRESS

In registering a claim to copyright in this work, we observe that there is no notice of copyright on the copies applicable to the contribution itself.

The copyright law provides that a single copyright notice applicable to a collective work as a whole is sufficient to satisfy the notice requirements for the contributions it contains (not including advertisements inserted on behalf of persons other than the copyright owner in the collective work), regardless of the ownership of the contributions and whether or not they have been previously published.

Washington
D.C.
20559

However, where the person named in a single notice applicable to a collective work as a whole is not the owner of copyright in a separate contribution that does not bear its own notice, the contribution is considered to have been published with an "error in the name" on the notice.

When a work is published with an "error in the name," the validity and ownership of the copyright are not affected. Section 406(a) of the law provides, however, that

> "any person who innocently begins an undertaking that infringes the copyright has a complete defense to any action for such infringement if such person proves that he or she was misled by the notice and began the undertaking in good faith under a purported transfer or license from the person named therein, unless before the undertaking was begun--
>
> (1) registration for the work had been made in the name of the owner of copyright; or
>
> (2) a document executed by the person named in the notice and showing the ownershp of the copyright had been recorded."

The person named in the notice is liable to account to the copyright owner for all receipts from transfers or licenses made under the copyright by the person named in the notice.

Thus, there are advantages, to placing a copyright notice in the periodical issue or on the article, which names the correct copyright owner of the contribution, if that owner is other than the owner of the collective work in which the contribution appears.

Point
Sausalito, CA

In this connection, we should point out that the law states that in the absence of an express transfer of the copyright of of any rights under it, the owner of copyright in the collective work is presumed to have acquired only the privilege of reproducing and distributing the contribution as part of that particular collective work, any revision of that collective work, and any later collective work in the same series.

We provide this merely for your information, and no reply is necessary.

Sincerely yours,
Jodi R. Sigmon
Head, Literary Section
Examining Division

By: JR

Enclosure:
Cir. 1